

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.606(b),  
Table of Allotments,  
TV Broadcast Stations.  
(Sioux City, Iowa)

MM DOCKET NO. 94-38  
RM-8451

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

To: The Acting Chief,  
Allocations Branch,  
Policy and Rules Division,  
Mass Media Bureau  
Stop Code 1800D5

COMMENTS AND COUNTERPROPOSAL

Pappas Telecasting of the Midlands, A California Limited Partnership ("Pappas Telecasting"), by its undersigned attorney and pursuant to Section 1.420 of the Commission's Rules, hereby respectfully submits these Comments and Counterproposal in response to the Notice of Proposed Rule Making in this proceeding, 59 Fed. Reg. 28047 (published May 31, 1994) (the "Notice").

1. The Notice proposes to amend the Table of Allotments for Television Broadcast Stations, Section 73.606(b)

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of the Commission's Rules, by adding the allotment of UHF television broadcast Channel 39 to Sioux City, Iowa on an unreserved basis, as that community's fifth local television broadcast channel allotment, at the behest of Independent Communications, Inc.

2. Submitted as Appendix A to these Comments and Counterproposal is the Engineering Statement of Neil M. Smith of the firm of Smith and Powstenko in Washington, D.C., dated June 8, 1994. Mr. Smith is Pappas Telecasting's broadcast engineering consultant. In his Engineering Statement, Mr. Smith observes that due to constraints imposed by the distance separation requirements of the Commission's Rules with respect to the antenna sites of other stations, the area within which a television broadcast station operating on Channel 39 for the purpose of providing service to Sioux City is limited. Mr. Smith's Engineering Statement notes that UHF television broadcast Channel 44 can be allotted to Sioux City in full compliance with the distance separation requirements and the Commission's order "freezing" the allotment of new television broadcast channels within certain areas, <sup>1/</sup> and ". . . can be used over a wide area, including the sites of all local television stations."

3. Pappas Telecasting hereby respectfully counterproposes that Channel 44, rather than Channel 39, be

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<sup>1/</sup> See Notice, at footnote 2.

allotted to Sioux City on an unreserved basis, as that community's fifth local television broadcast channel allotment. As indicated in Mr. Smith's Engineering Statement, the allotment of Channel 44 is preferable to the allotment of Channel 39 as proposed in the Notice, inasmuch as Channel 44 would afford greater freedom in choosing the station's antenna location than Channel 39 would afford. In the event that either Channel 44 or Channel 39 shall be allotted to Sioux City, Pappas Telecasting or an entity under common control with Pappas Telecasting will promptly apply for the Commission's authorization to build a new UHF commercial television broadcast station to operate on the allotted channel at Sioux City, and -- if such application were to be granted -- will promptly construct the station thereby authorized.

WHEREFORE, for the reasons hereinbefore stated, Pappas Telecasting urges the Commission to allot Channel 44, rather than Channel 39, to Sioux City.

Respectfully submitted,

**PAPPAS TELECASTING OF THE MIDLANDS,  
A CALIFORNIA LIMITED PARTNERSHIP**

By:   
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July 8, 1994

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**APPENDIX A**

**Engineering Statement of Neil M. Smith  
Smith and Powstenko  
Washington, D.C.  
June 8, 1994**

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of PAPPAS TELECASTING OF THE MIDLANDS in support of its counterproposal in MM Docket No. 94-38.

It is proposed in this proceeding that Television Channel 39 be allotted to Sioux City, Iowa. However, due to spacing constraints this channel is not usable over as large an area as one would wish. Indeed, Channel 39 cannot be used at the site of KTIV and KCAU-TV, which share a 2000-foot tower, the tallest in the area.

However, we find that Channel 44 can be allotted to Sioux City instead, in full compliance with the spacing Rules and the Commission's "freeze." This channel can be used over a wide area, including the sites of all local television stations. The attached tabulation confirms these facts. The coordinates assumed for this counterproposal are 42° 29' 46", 96° 24' 30", which are the reference coordinates of Sioux City.

I declare under penalty of perjury that the foregoing statements and the attached tabulation are true and correct to the best of my knowledge and belief.



NEIL M. SMITH

June 8, 1994

SMITH AND POWSTENKO

ALLOCATION STUDY DATA

PROPOSED CHANNEL 44  
SIOUX CITY, IOWA


Channel	Closest Assignment	(° T)	Spacing (km.)		
			Req'd	Actual	Clear
29	KHNE-TV, Hastings, Nebr.	217	119.9	237.3	+117.4
30	Alc., Carroll, Iowa	112	95.7	139.7	+44.0
36	Alc., Sioux Falls, S. D.	347	31.4	119.1	+87.7
37	†		95.7		
39	†		31.4		
40	†		31.4		
41	†		31.4		
42	KPTM, Omaha, Nebr.	174	31.4	159.0	+127.6
43	KRWF, Redwood Falls, Minn.	18	87.7	233.0	+145.3
44	Alc., Salina, Kans.	194	280.8	419.0	+138.2
45	Alc., Lincoln, Nebr.	188	87.7	188.2	+100.5
46	†		31.4		
47	†		31.4		
48	Alc., Omaha, Nebr.	164	31.4	142.6	+111.2
49	Alc., Estherville, Iowa	51	31.4	163.2	+131.8
51	KGNQ, Lincoln, Nebr.	188	95.7	188.2	+92.5
52	Alc., Carroll, Iowa	110	31.4	135.9	+104.5
58	†		95.7		
59	†		119.9		

† Nothing within 250 km.

**CERTIFICATE OF SERVICE**

I, Lois L. Trader, a secretary in the law firm of Bryan Cave, do hereby certify that I have on this eighth day of July, 1994 caused copies of the foregoing **COMMENTS AND COUNTERPROPOSAL** to be mailed to the following person by first-class United States mail, postage prepaid:

Dennis F. Begley, Esq.  
Reddy, Begley & Martin  
1001 Twenty-second Street, Northwest  
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Washington, D.C. 20037  
Counsel for Independent Communications, Inc.

  
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Lois L. Trader